



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208936

Applicant Name: Luke Delen

Address of Proposal: 532 Malden Avenue East

SUMMARY OF PROPOSED ACTION

This is an application for a Master Use Permit to subdivide one parcel, on one parent lot, into four (4) unit lots. Proposed lot areas are: A) 1,168.0 square feet, B) 1,189.8 square feet, C) 943.2 square feet; and D) 1,793.2 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses was reviewed under Project #2106680.

The following approval is required:

Short Subdivision - to divide one parcels, on one parent lot, into 4 unit lots of land (unit subdivision).
(SMC Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 5,094 square foot site is located in a Lowrise 3 (L-3) zone on the corner of East Mercer Street and Malden Avenue East. Access to the site is via both streets. A street use permit has been obtained from the Seattle Department of Transportation to install landscaping and landscape walls on the public right of way (Permit #513655/5080). The streets are paved with curbs and sidewalks.

Area Development

Zoning in the immediate vicinity is Residential, Multifamily, Lowrise 3 (L3) and neighbor commercial (NC2-40). The immediate area is single family homes and multi-family structures.

Proposal Description

The applicant proposes to subdivide the subject parcel into 4 unit lots with sizes as follows: A) 1,168.0 square feet, B) 1,189.8 square feet, C) 943.2 square feet; and D) 1,793.2 square feet.

Public Comments

No comment letters were received during the public comment period which ended January 29, 2003.

ANALYSIS - SHORT SUBDIVISION

SMC Section 23.24.040 provides that the director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Code provisions;*
 2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
 3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
 4. *Whether the public use and interests are served by permitting the proposed division of land;*
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1. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit Lot Subdivisions.*

Based upon information provided by the applicant; review and approval of access, drainage and zoning within the Department of Design Construction and Land Use (DCLU); the review and approval from the Seattle Water Department (SWD), Seattle Fire Department (SFD), and Seattle City Light; and review by the Land Use Planner, the following findings are made with respect to the criteria cited above:

1. The intent of the Lowrise 3 zone is to provide areas for multifamily development of low height and small bulk where units generally have direct access to private, landscaped yards, thereby increasing housing opportunities for families with children and others seeking ground-related housing. The primary objective is the development of housing units that are generally compatible in scale, siting, and landscaping with Lowrise 2 zones and neighboring commercial zones. The proposed short plat conforms to the applicable zoning and land use code. The configuration of the unit lots will permit separate ownership of 4 new townhouses on one parent lot in accordance with applicable development standards of the L3 zone. Provided the plat agrees with the plans approved under Project 2106680, the plat should conform to applicable Land Use Code provisions. The proposed plat allowed a 20 ft. curbcut on East Mercer Street but only a 10 ft. curbcut is permitted. The final plat will be conditioned to revise this curbcut.
2. Vehicular access to the new building sites will be from both Malden Avenue East and East Mercer Street. The Seattle Fire Department has approved the unit lot subdivision. Seattle City Light requires an overhead/underground easement. This requirement will be included as a condition of the final short plat map to assure continued service. Access easements are required to allow each unit lot to maneuver on the approved driveways.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle and availability of service is assured subject to standard conditions of utility extension. Water availability certificate # 2003-0162 has been approved. The storm water drainage system to be incorporated into the new building sites will be reviewed for compliance with the applicable provision of the Storm water, Grading and Drainage control code by the DCLU Access and Drainage Review Section upon application for building permits. For drainage comments regarding this development, the applicant should contact DCLU for a side sewer permit. A standard drainage control plan will be required at time of building permit application using standard plans and methods.
4. The public use and interests are served by permitting the proposed division of land. The proposal meets all applicable criteria for approval of a short plat as discussed under Criteria 1, 2, and 3 of this analysis.
5. This site is not mapped as an environmentally critical area.

6. The proposal is designed to maximize the retention of existing trees;
7. The provisions of SMC Section 23.24.045, Unit Subdivisions, are as follows:

The provisions of this section apply exclusively to the unit lot subdivision of townhouses, cottage housing, clustered housing or Single Family residences in Low-rise zones.

The subject proposal would establish separate unit lots for four (4) townhouses in an L3 zone, thus falling within the purview of SMC Section 23.24.045.

- A. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

The open space as required is located on each unit lot.

- B. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

The condition added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to the structure(s).

- C. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

Provide easements for shared use of driveways. Joint use and maintenance agreements for pedestrian and vehicular easements and all common areas must be provided with the final recording documents and is a condition of this decision. A maintenance easement or agreement is required if maintenance access across another property is desirable or required to maintain any portion of a building.

- D. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

Required parking will be provided within each unit lot parcel.

- E. The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

Review of this site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 in the L3 zone. As conditioned below, the future owners shall have constructive notice that additional development may be limited.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this short subdivision will meet all minimum standards of the L3 zone set forth in the Land Use Code, and are consistent with applicable policy guidelines. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Add to the face of the plat the required Seattle City Light easement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."
3. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.

4. Enlarge the typeface, use boldface type, underline or otherwise highlight the following on the face of the plat: **“Unit lots resulting from this unit subdivision are not separate building lots. The dwelling units constructed on this site are non-conforming structures permitted pursuant to SMC 23.42. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot.”**
5. Revise plat to show 10 foot curbcut along East Mercer Street.
6. Submit the recording fee and final recording forms for approval.

Prior to Issuance of Building Permit

7. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to any future building plans.

Signature: _____ (signature on file) Date: May 5, 2003

Holly J. Godard, Land Use Planner
Department of Design, Construction and Land Use

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